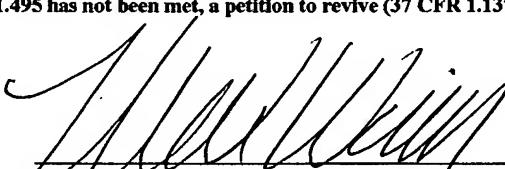


#3

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (EO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		Attorney's Docket Number <b>OPSA,002</b>
		U.S. Application No. (if known, see 37 CFR 1.5) <b>10/507,530</b>
International Application No. <b>PCT/US03/07501</b>	International Filing Date <b>11 March 2003</b>	Priority Date Claimed <b>12 March 2002</b>
Title of Invention <b>EXTENDING THE LIFE OF AN AMORPHOUS HARDFACE BY INTRODUCTION OF PELLETS</b>		
Applicant(s) for DO/EO/US <b>MCMICKEN, Jerry N.</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li><input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371 (b) and PCT Articles 22 and 39(1).</li> <li><input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</li> <li><input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> has been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</li> </ol> </li> <li><input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</li> <li><input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li><input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li><input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
Items 11. to 16. Below concern other document(s) or information included:		
<ol style="list-style-type: none"> <li><input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98 (with copies of 7 references).</li> <li><input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li><input type="checkbox"/> A FIRST Preliminary Amendment and Attachment in accordance with the requirements of 37 C.F.R. 1.12(c)(iii).</li> <li><input checked="" type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li> <li><input type="checkbox"/> A substitute specification.</li> <li><input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li><input type="checkbox"/> Other item(s) or information:  <input type="checkbox"/>  <input type="checkbox"/> </li> </ol>		
<b>CERTIFICATE OF MAILING (37 CFR 1.8a)</b>		
<p>I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p><i>[Handwritten Signature]</i></p>		
Mark R. Wisner, Registration No. 30,603		July 5, 2005 Date

U.S. Application No. (if known, see 37 CFR 1.5)  10/507,530	International Application No.  PCT/US03/07501	Attorney's Docket Number  OPSA,002	
<p>17. <input type="checkbox"/> The following fees are submitted:</p> <p><b>Basic National Fee (37 CFR 1.492(a) (1)-(5)):</b></p> <p>Search Report has been prepared by the EPO or JPO ..... \$ 890.00</p> <p>International preliminary examination fee paid to USPTO (37 CFR 1.492) .... \$ 710.00</p> <p>No international preliminary examination fee paid to USPTO (37 CFR 1.492) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$ 740.00</p> <p>Neither international preliminary examination fee (37 CFR 1.492) nor International search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$1,040.00</p> <p>International preliminary examination fee paid to USPTO (37 CFR 1.492) and all claims satisfied provisions of PCT Article 33(2)-(4) ..... \$ 100.00</p>		<b>CALCULATIONS</b>  <b>PTO USE ONLY</b>	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$ 130.00	
Claims	Number Filed	Number Extra	Rate
Total Claims*	- 20 =		x \$ 18.00
* After entry of enclosed Preliminary Amendment			\$
Independent Claims	- 3 =		x \$ 84.00
Multiple dependent claim(s) (if applicable)		+ \$280.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$	
Reduction by 1/2 for filing by small entity, if applicable. Small Entity Status is hereby claimed in the captioned application.		\$ 65.00	
<b>SUBTOTAL =</b>		\$ 65.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		+	
<b>TOTAL NATIONAL FEE =</b>		\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property =		\$ - 0 -	
<b>TOTAL FEES ENCLOSED =</b>		\$ 65.00	
07/14/2005 SNAJARRO 00000069 500965 10507530		Amount to be refunded: \$	
01 FC:2617 65.00 DA		Amount to be charged: \$	
<p>a. <input type="checkbox"/> Check No. _____ in the amount of \$ _____ to cover the above fee(s) is enclosed.</p> <p>b. <input type="checkbox"/> A Form PTO-2038 authorizing a charge to the credit card listed thereon in the amount of \$ _____ to cover the above fee(s) is enclosed.</p> <p>c. <input type="checkbox"/> Please charge my Deposit Account No. 50-0965 (_____) in the amount of \$ _____ to cover the above fee(s).</p> <p>d. <input checked="" type="checkbox"/> The fee for late filing of the Declaration in this application was included in the fee paid at the time of filing of the application, so no payment is enclosed with this submission.</p> <p>e. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required or any deficiency, or credit any overpayment to Deposit Account No. 50-0965 (OPSA,002).</p>			
<p><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b></p>			
<b>PLEASE SEND CORRESPONDENCE TO:</b>			
Mark R. Wisner Wisner & Associates 1177 West Loop South, Suite 400 Houston, Texas 77027-9012 Telephone: (713) 785-0555 Facsimile: (713) 785-0561		 Signature Mark R. Wisner <hr/> Typed Name Registration No.: 30,603	

Rec'd PCTO

11 JUL 2005

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

In re Application of:	§	Atty Docket No.:	OPSA,002
J. N. McMicken	§		
Serial No.:	§		
10/507,530	§		
Filed:	§	Group Art Unit:	n/a
March 11, 2003	§		
Titled:	§	Examiner:	n/a
<b>EXTENDING THE LIFE OF AN AMORPHOUS HARDFACE BY INTRO- DUCTION OF PELLETS</b>	§		

COMMISSIONER OF PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313.

July 5, 2005

Mark R. Wisner, Registration No. 30,603

Date

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Dear Sir:

Applicant responds to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed in the captioned application on May 3, 2005 in timely fashion as follows. In the event the certificate of mailing on this Response or any enclosed request for extension of time was/were inadvertently not executed or improperly executed, any necessary fees were not included with this Response and/or the extension of time, and/or were insufficient in amount, or for any other reason this Response is not considered timely filed, request is hereby made for an extension of the time to respond and the Commissioner is authorized to charge Deposit Account No. 50-0965 (OPSA,002) in the amount of any necessary fee.

Enclosed for filing in the captioned application is/are the following document(s):

- Declaration and Power of Attorney signed by inventor(s);
- Second Preliminary Amendment;
- Other:

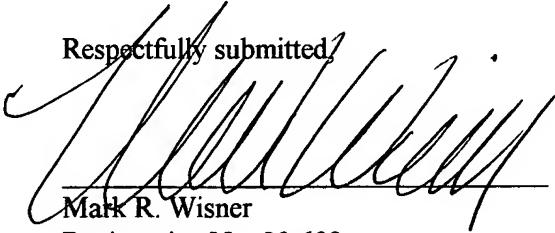
Copy of Form PCT/DO/EO/905; and

Please note that no fee is enclosed with this submission. The fee for late filing of the Declaration was previously paid by including the fee with the fee paid for filing this application on 13

September 2004 (see page 2 of the first Transmittal Letter in this National Phase application as filed on 13 September 2004).

Entry of the enclosed Declaration and Power of Attorney and Second Preliminary Amendment, and early and favorable action on the claims, is respectfully requested. In the event there are questions, please contact the undersigned Attorney for Applicant(s) at the address and telephone number set out below.

Respectfully submitted,



Mark R. Wisner  
Registration No. 30,603  
1177 West Loop South, Suite 400  
Houston, Texas 77027-9012  
Telephone: (713) 785-0555  
Facsimile: (713) 785-0561

ATTORNEY FOR APPLICANT(S)

Date: July 5, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

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COPY

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/507,530	Jerry N McMicken	OPSA,002

INTERNATIONAL APPLICATION NO.

PCT/US03/07501

I.A. FILING DATE	PRIORITY DATE
03/11/2003	03/12/2002

Wisner & Associated  
1177 West Loop South, Suite 400  
Houston, TX 77027-9012

By: LM BOCKETED  
 Checked By: \_\_\_\_\_  
 For the Following Dates:  
7/31/05 Residue,  
AT&T Extension Searched

CONFIRMATION NO. 1358  
371 FORMALITIES LETTER



\*OC000000015909033\*

Date Mailed: 05/03/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/13/2004
- Copy of the International Search Report filed on 09/13/2004
- Copy of IPE Report filed on 09/13/2004
- Preliminary Amendments filed on 09/13/2004
- Oath or Declaration filed on 09/13/2004
- Request for Immediate Examination filed on 09/13/2004
- U.S. Basic National Fees filed on 09/13/2004
- Priority Documents filed on 09/13/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed

to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

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Telephone: (703) 308-9140 EXT 210

PART 1 - ATTORNEY/APPLICANT COPY

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/507,530	PCT/US03/07501	OPSA,002

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FORM PCT/DO/EO/905 (371 Formalities Notice)